IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 16716 of 1995

Between:

Sri Sri Satya Pramoda Thirtha Swamuluvaru, rep. by his Power of Attorney Agent M.V.Ramanacharya
Head of the Uttaradi Mutt Guntur.
S/o Srinivasacharyulu,

..... PETITIONER

AND

1 III Addl. District Judge,
Kakinada.
2 Munsif Magistrate Cum-Special Officer Under A.P. (A.A.) Tenancy Act,
Tuni.
3 Atti Appalaraju, S/o Suryanaraya Rao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.
4 Atti Ramasuryanarayana, S/o Suryanaraya Rao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.
5 Atti Ramanna, S/o Suryanaraya Rao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.
6 Atti Kasi, S/o Suryanaraya Rao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.
7 Atti Bhadram, S/o Suryanaraya Rao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.
8 Atti Ramakrishna, S/o Suryanaraya Rao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.
9 Atti Ramarao S/o Naganna,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.
10 Atti Satyam, S/o Naganna,

R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

11 Atti Rambabu, S/o Chandramma @ Chandrayya,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

12 Atti Bapiraju, S/o Apparao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

13 Atti Ramanna, S/o Apparao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

14 Atti Suryanarayana, S/o Apparao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

15 Atti Appalaraju, S/o Krishnamurthy,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

16 Atti Venkata Apparao, S/o Krishnamurthy,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

17 Atti Challayyamma, W/o Venkatarao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

18 Atti Nagaraju, S/o Venkatarao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

19 Atti Venkataramana, S/o Venkatarao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

20 Atti Chakram, S/o Venkatarao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

21 Atti Ramudu, S/o Apparao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

22 Atti Maridayya, S/o Apparao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

23 Atti Suribabu, S/o Apparao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

24 Atti Ananthalakshmi, D/o Apparao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

25 Yedla Appalanarasamma, D/o Subbarao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

26 Yedla Mangatayaru W/o Raju,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

27 Atti Varalakshmi, W/o Tallarao,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

28 Atti Suryakantham, W/o Rambabu,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

29 Medene Subbalakshmi, W/o M.Suri,
R/o Pydipala Agraharam, Tuni Taluk,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records pertaining to A.T.A.No. 38 of 1989 dt. 18.1.1995 from the first respondent confirming order of the 2nd respondent dt. 2.5.1989 in A.T.C.No. 41 of 1981, and quash the same by issuing a Writ or Direction particularly one in the nature of Writ of Certiorari and pass

Counsel for the Petitioner: MR.M.KRISHNA MOHAN RAO

Counsel for the Respondent: None Appeared.

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.16716 OF 1995

ORDER:

This writ petition is filed questioning the order of the appellate authority-first respondent dated 18.1.1995 passed in A.T.A.No.38 of 1989 confirming the order dated 2.5.1989 passed in A.T.C.No.41 of 1981 of the primary authority-second respondent under A.P. (Andhra Area) Tenancy Act, Tuni.

In the above said proceedings, application of the petitioner filed under Section 6 of the A.P. (Andhra Area) Tenancy Act for fixation of fair rent was rejected on the ground that an enquiry is pending before the Tribunal under Inams Abolition Act.

It is submitted by the learned counsel for the petitioner that during the pendency of the writ petition, ryotwari patta pertaining to land in question was issued in favour of the petitioner-Mutt.

In an identical situation, this Court allowed a writ petition in W.P.No.16711 of 1995 and remitted the matter for reconsideration to the primary authority with a direction to pass appropriate orders in accordance with law. Precisely, the instant writ petition is covered by the judgment of this Court in W.P.No.16711 of 1995.

Following the same, the writ petition is allowed and the impugned order is set aside and the primary authority-Second respondent is directed to consider the matter afresh after issuing notices to the concerned and pass appropriate orders taking into account the patta granted in favour of the petitioner.

Subject above directions, the writ petition is allowed. No costs.

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JUSTICE R.SUBHASH REDDY

24.1.2005.

MDAA.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Monday, the 24th day of January, two thousand and five.

Copy to:

1 The III Addl. District Judge,
Kakinada.
2 The Munsif Magistrate Cum-Special Officer Under A.P. (A.A.) Tenancy Act,
Tuni.
3. Two C.D.copies.